

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, and JAMES
FRANCE,

Defendants.

Civil Action No. 3:24-cv-886-KDB-SCR

EMERGENCY MOTION FOR PARTIAL STAY OF INJUNCTION PENDING APPEAL

Pursuant to Rule 62(c) of the Federal Rules of Civil Procedure, Defendants move this Court to stay its December 18, 2024 Order granting Plaintiffs a preliminary injunction, except for the Court's requirement that NASCAR guarantee entry of two cars from Front Row and two cars from 23XI in each race of the 2025 Cup Series. Doc. No. 74; *see also* Fed. R. App. P. 8(a). As set forth more fully in the accompanying Memorandum, such a stay pending appeal is warranted because: (1) Defendants are likely to succeed on appeal, (2) NASCAR will suffer irreparable harm without a stay of the Court's decision, (3) Plaintiffs would not face substantial harm because the continued enforcement of a partial stay would address each of Plaintiffs' irreparable harm allegations, and (4) the public interest supports a partial stay, as this Court's preliminary injunction forces NASCAR into unwanted contractual relationships with Plaintiffs.

The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law.

Dated: December 19, 2024

Respectfully submitted,

By: /s/ Christopher S. Yates
Christopher S. Yates*
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 395-8240
Facsimile: (415) 395-8095
chris.yates@lw.com

Lawrence E. Buterman*
LATHAM & WAKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
lawrence.buterman@lw.com

Anna M. Rathbun*
Christopher J. Brown*
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201
anna.rathbun@lw.com
chris.brown@lw.com

Tricia Wilson Magee (N.C. Bar No. 31875)
SHUMAKER, LOOP, & KENDRICK, LLP
101 S Tryon Street, Suite 2200
Charlotte, NC 28280
Tel: 704-945-2911
Fax: 704-332-1197
tmagee@shumaker.com

* Admitted *pro hac vice*

*Counsel for Defendants NASCAR and Jim
France*

ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 19th day of December, 2024.

/s/ Christopher S. Yates

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **EMERGENCY MOTION FOR PARTIAL STAY OF INJUNCTION PENDING APPEAL** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

Danielle T. Williams
WINSTON & STRAWN LLP
300 South Tryon Street
16th Floor
Charlotte, NC 28202
dwilliams@winston.com

Jeffrey L. Kessler
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
jkessler@winston.com

Jeanifer Parsigian
Michael Toomey
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111
jparsigian@winston.com
mtoomey@winston.com

Matthew DalSanto
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
mdalsanto@winston.com

*Counsel for Plaintiffs 23XI Racing and
Front Row Motorsports Inc.*

This the 19th day of December, 2024.

/s/ Christopher S. Yates